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/	EXAMINER
	AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
2642	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/772,832	Applicant(s) ZHANG ET AL.	
	Examiner Rasha S. AL-Aubaidi	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/28/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed 06/28/2005, PROSECUTION is hereby REOPENED. New ground of rejection set forth below. Claims 1-29 are pending.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-12 and 14-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bajzath et al (US PAT # 6,144,644) in view of Curt et al (US PAT # 6,438,520).

Regarding claim 1, Bajzath teaches a method for providing call waiting service (see abstract) for a computer (130, Fig. 2) connected to an Internet Service Provider (ISP 115, Fig. 2) without dropping the connection with the ISP (see col.2, lines 1-3 and abstract), the method comprising: initiating an internet call waiting connection between the computer and an ISP (see col. 3, lines 26-34), the internet call waiting connection traversing a switch (this basically reads on the SSP switch 140, see col. 3, lines 50-58); sending the directory number (this reads on the user entering his/her 10-digits telephone number, see col. 4, lines 39-67) and a dynamic IP address of the computer (col. 5, lines 8-13 and Fig. 2); storing the directory number and the dynamic IP address of the computer (see col.5, lines 8-13); and sending a message to the switch (SSP 140) indicating that the call waiting service is active (see step 340f in FIG. 3C and col. 4, lines 58-64).

Bajzath does not specifically teach sending the directory number to the ICW server, storing the directory number at the ICW server, and sending a message from the server to the switch. In Bajzath, the above is accomplished by SSP 140.

However, Curt teaches in a network 800 as illustrated in Fig. 9, the SN/IP (850) (read as the claimed server) has the capability of SCP (840) in a single network entity and performs services such as voice dialing, messages services, call waiting ...etc (see col. 12, lines 32-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of having the SN/IP ("server") adapting SCP functionality, as taught by Curt, into the Bajzath system in order to minimize the load on the SCP and free the main network resources. Generally, service nodes (SN)/intelligent peripherals (IP) have been used to perform network functionalities in order to decrease the load on the network elements, such as SCPs.

Claim 14 is rejected for the same reasons as discussed above with respect to claim 1.

Regarding claims 2, 17 and 24, Bajzath teaches receiving an incoming call request intended for the computer at the switch while the internet call waiting connection

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is active; routing the incoming call request from the switch to the SCP; and alerting the computer of the incoming call request without dropping the internet call waiting connection (this reads on receiving the incoming call and initiating the call waiting service. For alerting the computer, this reads on the send signals, see col. 3, lines 49-64 and col. 4, lines 22-67). In the combination of Bajzath and Curt, the above would be performed by the "server".

Regarding claim 3, Bajzath teaches alerting the computer (130) of the incoming call request that is performed by the SCP via the Internet call waiting connection (see also explanation on col. 5, lines 25-45). Similarly, this would be performed by the "server" in the combination of Bajzath and Curt.

Regarding claim 4, Bajzath teaches wherein step of alerting the computer of the incoming call comprises presenting the computer with a choice as to whether to accept the incoming call request (see col. 6, lines 33-53).

Regarding claim 5, Bajzath teaches maintaining the Internet call waiting connection if the computer accepts the incoming call request (see col. 6, lines 33-35).

Regarding claim 6, Bajzath teaches switching back to the Internet call waiting connection after the incoming call releases (this basically reads on the option of

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automatically providing the call waiting service during telephone calls, see col. 6, lines 55-67).

Regarding claim 7, Bajzath teaches the step of dropping the Internet call waiting connection (this basically reads on termination the call connection, see col. 8, lines 52-65).

Regarding claim 8, Bajzath teaches the method further comprising the step of rejecting the incoming call request (this basically reads on the user selecting "NO" on the screen, see col. 6, lines 33-53).

Regarding claims 9-11, Bajzath does not specifically teach playing pre-recorded messages in the event of rejecting the incoming call. However, Bajzath teaches if the user chooses not to answer the call, SCP (145) sends a message to the user SSP requesting that the call be blocked from connection to the end user. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a message played (pre-recorded) to the calling party indicating the rejection of the call (e.g., the calling party will not accept unknown callers or calling party will not accept calls at the moment).

Claim 12 recites "the step of converting the message text to speech". This is obvious and well known in the art.

Regarding claim 15, Bajzath teaches the switch is effective in performing Internet call waiting registration (see col. 5, lines 3-13).

Regarding claim 16, Bajzath teaches the switch is effective in completing the Internet call waiting registration based upon receipt of a confirmation from the SCP (this basically reads on the trigger in the SSP to notify the user of the incoming call and establishing the call waiting feature, see col. 4, lines 52-67 and col. 5, lines 13).

Regarding claim 18, Bajzath teaches the switch is effective in routing the incoming call request to the ICW/H server (215). See col. 6, lines 9-32.

Claims 19-20 are rejected for the same reasons as discussed above with respect to claim 18.

Regarding claim 21, Bajzath teaches the switch is effective in releasing the connection between the computer and the incoming call (this reads on terminating the call after the call ends) and reactivating the internet call waiting connection between the computer and the ISP (this may read for example on the automatic reactivating for the call waiting service, see col. 6, lines 54-67).

Regarding claim 22, Bajzath teaches the switch is effective in deactivating the Internet call waiting connection (this is inherent).

Regarding claim 23, Bajzath teaches the SCP is effective in receiving a message including the directory number and dynamic IP address of the computer to the ISP (115), see col. 4, lines 18-38 and lines 58-64.

Regarding claim 25, the SCP server is effective in deactivating the Internet call waiting connection (obviously the server can activate and deactivate the Internet call waiting).

Regarding claims 26-27, Bajzath teaches an Internet Call Waiting/Holding (ICW/H) server (215) comprising: a packet port for receiving a directory number and a dynamic IP address of a computer (this is inherent component), the directory number and the dynamic IP address associated with a computer for an internet call waiting connection; memory for storing the directory number and the dynamic IP address of the computer (this reads on the storage media diskette or CD-ROM, see col.4, lines 24-38); a processor (this is inherent); and a circuit port for sending a message to a switch indicating that call waiting service is active (this is inherent).

Claims 28-29 are rejected for the same reasons as discussed above with respect to claims 1 and 26, respectively.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bajzath in view of Curt and further in view of Epler et al (US PAT # 6,026,156).

Bajzath and Curt features are already discussed in the above rejection.

Neither Bajzath nor Curt specifically teaches the step of initiating an Internet call waiting connection between the computer and an ISP comprises dialing an access code to enable the Internet call waiting service.

However, for claim 13, Epler teaches Enhanced Call Waiting System, which can be activated by sending a signal to the public switch (typically in the form of a flash hook to acquire a second dial tone, dial a call waiting code, and then dial home telephone number), see col.6, lines 34-55.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of activating the Call Waiting service by dialing an access code as taught by Epler into the combination of Bajzath and Curt system in order to provide the user this enhanced service at the time preferred by the user and that will distinguish Epler reference from Bajzath since the last one provide the option of activating this service automatically in one of the embodiments (see col. 6, lines 54-67).

Response to Arguments

5. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner
Rasha S. Al-Aubaidi
Art Unit 2642
05/19/2005


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